

109TH CONGRESS
1ST SESSION

S. 1501

To develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crow Tribe Land Res-
5 toration Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to authorize the Secretary
8 of the Interior to—

1 (1) develop a program to acquire land and in-
2 terests in land from eligible individuals within the
3 Crow Reservation in the State of Montana;

4 (2) hold in trust the land, and interests in land,
5 described in paragraph (1) for the benefit of the
6 Crow Tribe of the State of Montana;

7 (3) allow the Tribe to assume management of
8 the land and interests in land; and

9 (4) end the continuing fractionation of land on
10 the Reservation.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **ELIGIBLE INDIVIDUAL.**—The term “eligible
14 individual” means an individual that owns land, or
15 an interest in land, within the Reservation.

16 (2) **RESERVATION.**—The term “Reservation”
17 means the Crow Reservation in the State of Mon-
18 tana.

19 (3) **SECRETARY.**—The term “Secretary” means
20 the Secretary of the Interior.

21 (4) **TRIBE.**—The term “Tribe” means the Crow
22 Tribe of the State of Montana.

23 **SEC. 4. ACQUISITION OF LAND WITHIN RESERVATION.**

24 (a) **PURCHASING PROGRAM.**—

1 (1) ESTABLISHMENT.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary shall establish a program under which the
4 Secretary shall provide funds to the Tribe to pur-
5 chase from eligible individuals land, and interests in
6 land, within the Reservation.

7 (2) REQUIREMENTS.—

8 (A) VOLUNTARY SALE.—A sale of land to
9 the Tribe under the purchasing program shall
10 be voluntary.

11 (B) REASONABLE PURCHASE PRICE.—To
12 receive funds under the purchasing program,
13 the Tribe shall offer to an eligible individual in
14 consideration for land, or an interest in land,
15 within the Reservation an amount equal to the
16 reasonable purchase price of the land, or inter-
17 est in land, of the eligible individual, as deter-
18 mined in accordance with subsection (b).

19 (3) NOTIFICATION TO ELIGIBLE INDIVID-
20 UALS.—

21 (A) IN GENERAL.—As soon as practicable
22 after the date on which the purchasing program
23 is established, the Tribe shall provide to each
24 eligible individual a notification with respect to

1 the program, including any guidelines issued by
2 the Secretary relating to the program.

3 (B) CONTACT WITH ELIGIBLE INDIVID-
4 UALS.—Notwithstanding any other provision of
5 law, an eligible individual may be contacted di-
6 rectly with respect to the purchasing program
7 by—

8 (i) the Tribe, or a representative of
9 the Tribe; or

10 (ii) the Secretary, or a representative
11 of the Secretary.

12 (b) REASONABLE PURCHASE PRICE.—

13 (1) GUIDELINES.—As soon as practicable after
14 the date of enactment of this Act, the Secretary
15 shall establish guidelines under which the reasonable
16 purchase price of land, or an interest in land, of an
17 eligible individual shall be determined.

18 (2) CONSIDERATION.—In establishing guide-
19 lines under paragraph (1), the Secretary may take
20 into consideration—

21 (A) average annual earnings of land, and
22 interests in land, of eligible individuals; and

23 (B) any other factor the Secretary con-
24 sider to be appropriate.

25 (c) ACCEPTANCE OF OFFER.—

1 (1) IN GENERAL.—On acceptance by an eligible
2 individual of an offer of the Tribe under this sec-
3 tion—

4 (A) subject to paragraph (2), the Tribe
5 shall pay to the eligible individual the reason-
6 able purchase price of the land, or interest in
7 land, of the eligible individual, as determined in
8 accordance with subsection (b); and

9 (B) title to the land, or interest in land,
10 acquired from the eligible individual shall be
11 conveyed to the United States, to be held in
12 trust by the Secretary for the benefit of the
13 Tribe.

14 (2) ELIGIBLE INDIVIDUAL ACCOUNTS.—

15 (A) IN GENERAL.—On the request of an
16 eligible individual that accepts an offer of the
17 Tribe under this section, the Tribe shall—

18 (i)(I) establish in a local financial in-
19 stitution an account in the name of the eli-
20 gible individual; and

21 (II) deposit the amount of the offer of
22 the Tribe under this section into that ac-
23 count; or

24 (ii) deposit the amount of the offer of
25 the Tribe under this section into any ac-

1 count in a financial institution designated
2 by the eligible individual.

3 (B) WITHDRAWAL AND TRANSFER.—An el-
4 igible individual may, without obtaining ap-
5 proval from, or providing a notification to, the
6 Secretary—

7 (i) withdraw any amount from an ac-
8 count described in subparagraph (A); or

9 (ii) transfer any amount from an ac-
10 count described in subparagraph (A) into
11 an account in a different financial institu-
12 tion.

13 (C) FEES.—Any fee assessed by a finan-
14 cial institution on an account under this para-
15 graph shall be the responsibility of the eligible
16 individual in the name of which the account is
17 held.

18 (D) TAXATION.—Amounts held in an ac-
19 count under this paragraph, including any in-
20 terest earned on such amounts, shall not be
21 subject to taxation by the Federal Government,
22 or any State or local government, if the account
23 contains only—

24 (i) amounts deposited into the account
25 by the Tribe under subparagraph (A); and

1 (ii) interest earned on those amounts.

2 (d) JUDICIAL REVIEW.—The terms and amount of
3 any offer of the Tribe to purchase land, or an interest
4 in land, of an eligible individual under this section shall
5 not be subject to judicial review.

6 **SEC. 5. PURCHASING PROGRAM FUNDING.**

7 (a) OBLIGATIONS TO TREASURY.—

8 (1) ISSUANCE.—

9 (A) IN GENERAL.—To the extent approved
10 in annual appropriations Acts and subject to
11 approval by the Secretary of the Treasury, the
12 Secretary may issue to the Secretary of the
13 Treasury such obligations as the Secretary de-
14 termines to be necessary to fund the purchasing
15 program established under section 4(a)(1).

16 (B) REQUIREMENTS.—The obligations
17 issued under subparagraph (A) shall be in such
18 form and such denomination, and subject to
19 any other such terms and conditions, as the
20 Secretary of the Treasury determines to be ap-
21 propriate.

22 (2) PURCHASE.—The Secretary of the Treasury
23 shall purchase any obligation issued under para-
24 graph (1).

1 (3) INTEREST.—The obligations issued under
2 paragraph (1) shall bear interest at a rate to be de-
3 termined by the Secretary of the Treasury, taking
4 into consideration current market yields on out-
5 standing marketable obligations of the United States
6 of comparable maturities.

7 (4) LIMITATION.—On any date, the total
8 amount of obligations issued under paragraph (1)
9 shall not exceed \$__,000,000.

10 (b) REPAYMENT OF OBLIGATIONS.—

11 (1) IN GENERAL.—The Secretary shall use the
12 revenues from any land purchased by the Tribe
13 under this Act to repay the Secretary of the Treas-
14 ury the amount of any obligation, including interest
15 on such an obligation, issued under subsection (a).

16 (2) REASONABLE ASSURANCE OF REPAY-
17 MENT.—The Secretary shall ensure, to the max-
18 imum extent practicable, that projected revenues de-
19 scribed in paragraph (1) provide reasonable assur-
20 ance of repayment of the amount of obligations
21 issued under subsection (a).

22 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
23 fiscal year beginning after the date of enactment of this
24 Act, there are authorized to be appropriated to the Sec-
25 retary such sums as the Secretary determines to be nec-

1 essary to repay to the Secretary of the Treasury the dif-
2 ference between—

3 (1) the amount of obligations issued under sub-
4 section (a), including interest on such obligations,
5 that was required to be repaid during the preceding
6 fiscal year; and

7 (2) the amount of obligations issued under sub-
8 section (a), including interest on such obligations,
9 that was repaid during the preceding fiscal year.

10 **SEC. 6. DONATION OF LAND.**

11 (a) IN GENERAL.—Subject to subsection (b), the Sec-
12 retary may accept from any eligible individual a donation
13 of land or an interest in land within the Reservation.

14 (b) CONDITIONS.—

15 (1) TITLE HELD IN TRUST.—The Secretary
16 shall hold in trust for the benefit of the Tribe the
17 title to any land or interest in land acquired by the
18 Secretary under subsection (a).

19 (2) DESIGNATION OF PLACE OF HONOR.—The
20 Tribe shall designate on the Reservation a place of
21 honor, as the Tribe determines to be appropriate, at
22 which the name of any eligible individual that do-
23 nates land to the Secretary under subsection (a)
24 shall be displayed in perpetuity, in recognition of the
25 donation.

1 **SEC. 7. LAND MANAGEMENT.**

2 (a) IN GENERAL.—Land, and interests in land, held
3 in trust by the Secretary for the benefit of the Tribe under
4 this Act shall be managed by the Tribe.

5 (b) LIMITATION OF TRUST RESPONSIBILITY.—The
6 trust responsibility of the Secretary with respect to land
7 and interests in land described in subsection (a) shall be
8 limited to—

9 (1) ensuring that the land and interests in land
10 are not subject to alienation; and

11 (2) enabling the Tribe to exercise jurisdiction
12 over the land and interests in land.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$5,000,000.

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